



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 258

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: March 19, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Underage drinking is a serious problem in Nebraska. One major reason it is such a problem is that there are no consequences for violating the state's minor in possession law which truly affect a teenager. Because we have such a weak law in this area, Nebraskans have fostered a culture of binge drinking among teenagers. It is a badge of honor to get caught drinking, pay the fine, and get on with their lives. But sometimes, teens pay the ultimate price for this behavior, they lose their lives.

"Use and Lose" laws, which take away a teen's driving privileges for violating minor in possession laws, have been shown to be effecting in curbing this behavior in states where they have been passed. Driving is a privilege, one that teens highly value, and the possibility of losing it causes them to think about the consequences of their drinking behavior.

LB 258 would stiffen the penalties for teens who are caught violating our underage drinking law. The new penalties would be as follows:

- 1) For persons 16-21 years of age:
 - A) 1st offense: Class III Misdemeanor, 60-90 day drivers' license impoundment, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - B) 2nd offense: Class III Misdemeanor, six month license impoundment, 20-40 hours community service, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - C) 3rd offense: Class II Misdemeanor, 1 year license impoundment, 60 hours community service, and alcohol evaluation
 - D) 4th offense or more: Class 1 Misdemeanor, 2 year license impoundment, 5-15 days jail time, alcohol evaluation.

- 2) For persons under 16 years of age who have an operator's permit:
- A) 1st offense: Class III Misdemeanor, 6 month impoundment of permit or 6 month delay in ability to obtain any permit (school, learner's) or license, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - B) 2nd offense: Class III Misdemeanor, additional 6 month impoundment or delay, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - C) 3rd offense or more: Class 11 Misdemeanor, additional 1 year impoundment or delay, and alcohol evaluation.
- 3) For persons under 16 years of age who do not have an operator's permit:
- A) 1st offense: Class III Misdemeanor, 6 month delay in ability to obtain any permit (school, learner's) or license, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - B) 2nd offense: Class III Misdemeanor, additional 6 month delay, and required attendance at an alcohol education class, AA meeting, or MADD Victim Impact Panel
 - C) 3rd offense or more: Class 11 Misdemeanor, additional 1 year delay, and alcohol evaluation.

Principal Introducer:

_____ **Senator John Harms**